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17
18 **UNITED STATES DISTRICT COURT**
19 **DISTRICT OF NEVADA**
20

21 JOHN MEGGS,

22 Plaintiff,

23 vs.

24 SUN SHENG INVESTMENT LLC,
25 LE PRIVE HOSPITALITY LLC, and
26 SHINJUKU LLC,
27 Defendant

Case No.: 2:23-cv-1051-APG-BNW

PLAINTIFF'S UNOPPOSED MOTION FOR
EXTENSION OF TIME TO FILE
DISCOVERY PLAN/SCHEDULING ORDER
(First Request)

28 Plaintiff, JOHN MEGGS (hereinafter "Plaintiff"), by and through his counsel of record,
hereby files this Motion for Extension of Time to File a Discovery Plan and Scheduling Order
and in support states as follows:

1. The Parties Discovery Plan and Joint Scheduling Order is presently due on
October 22, 2023 [D.E. 17]. However, the first Amended Complaint was filed on October 5th,
2023 [D.E. 21].

1 2. Defendant LE PRIVE HOSPITALITY LLC was served with the initial
2 complaint on July 24, 2023, but has not been served with the amended complaint. As of this
3 filing, Defendant LE PRIVE HOSPITALITY LLC has not yet appeared.

4 3. Defendant SUN SHENG INVESTMENT LLC has not been served with the
5 amended complaint and has not made an appearance.

6 4. As Defendants LE PRIVE HOSPITALITY LLC and SUN SHENG
7 INVESTMENT LLC have not yet appeared, the Parties are not able to confer with Defendants
8 LE PRIVE HOSPITALITY LLC and SUN SHENG INVESTMENT LLC as to the Discovery
9 Plan and Joint Scheduling Order.

10 5. Plaintiff recently settled his claims as to Defendant SHINJUKU LLC and is the
11 Parties are in discussions over the language of the settlement agreement.

12 6. Therefore, Plaintiff is requesting an extension of thirty (30) days up to and
13 including November 22, 2023, to file the Parties Discovery Plan and Joint Scheduling Order.

14 7. Plaintiff reached out to counsel for Defendant Shinjuku LLC, and counsel
15 indicated that Defendant Shinjuku LLC did not oppose the relief sought. *See* attached.

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19 **MEMORANDUM OF LAW**

20 Rule 6(b) of the Federal Rules of Civil Procedure states:

21 When an act may or must be done within a specified time, the court
22 may, for good cause, extend the time: (A) with or without motion or
23 notice if the court acts, or if a request is made, before the original
24 time or its extension expires; or (B) on motion made after the time
25 has expired if the party failed to act because of excusable neglect.

26 A trial court has “the inherent authority to manage their dockets and courtrooms with a
27 view toward the efficient and expedient resolution of cases.” *Dietz v. Bouldin*, 136 S. Ct. 1885,
28 1892 (2016).

1 Here, there is good cause to grant this motion for extension of time because Plaintiff is
2 pending the appearance of additional parties to the litigation whose participation is required to
3 formulate a scheduling order and discovery plan. Plaintiff anticipates that the Defendants will be
4 served in the near future and therefore their responses to the Amended Complaint will be due
5 soon. As the Parties have not yet been served however, Plaintiff respectfully requests that the
6 Court extend the time to file a scheduling order and discovery plan by thirty (30) days. The
7 additional time will allow for Plaintiff to serve the remaining Defendants and confer with any
8 counsel that appear.
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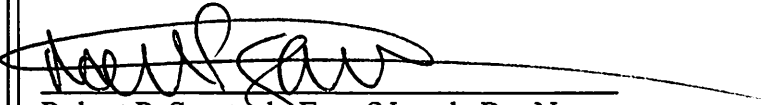
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1 WHEREFORE, Plaintiff respectfully requests that the Court extend the time to file the
2 Discovery Plan and Joint Scheduling Order by thirty (30) days, and for such other relief as is just
3 and proper.
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5 DATED: October 23, 2023

6 RESPECTFULLY SUBMITTED,

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8 LAW OFFICES OF ROBERT P. SPETNAK

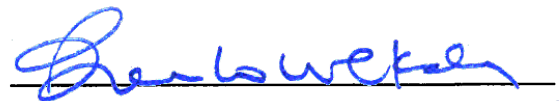
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23 *Attorneys for Plaintiff John Meggs*

24 **ORDER**

25 IT IS SO ORDERED.

26 

27 UNITED STATES MAGISTRATE JUDGE

28 Dated: 10/24/2023

Robert P Spretnak

From: Brigid Higgins <bhiggins@blackwadhams.law>
Sent: Monday, October 23, 2023 2:41 PM
To: Beverly Virues
Cc: Anthony Perez; Jaylu Reyes; Rusty Graf; Armando Mejias; Juliette Acosta-Santiago
Subject: Re: Meggs v. Shinjuku

No I don't oppose.

Sent from my iPhone

On Oct 23, 2023, at 2:39 PM, Beverly Virues <bvirues@lawgmp.com> wrote:

This message has originated from outside your organization.

Good afternoon,

I tried calling you a few moments ago to confer on a motion for extension of time. Plaintiff intends to file a motion to extend the time to file a discovery plan and scheduling order (by 30 days). Do you oppose the extension?

Best regards,

Beverly Virues
Attorney at Law

Law Office of Garcia-Menocal & Pérez, P.L.
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